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SUBJECT: BOSNIA AND HERZEGOVINA: SECURITY COUNCIL DEBATES
HIGH REP INZKO'S REPORT

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11. SUMMARY. Bosnia and Herzegovina (BiH) High Representative Valentin Inzko told the Security Council that BiH had made very limited progress in its effort to complete the agenda necessary for the closure of the Office of the High Representative (OHR), citing actions by Republika Srpska that undermined the state and the lack of attention by all state authorities to Bosnia's "existential crisis." Inzko suggested that "the time may have come" to separate the positions of High Representative and EU Special Representative. BiH Prime Minister Spiric warned against conflating the reforms necessary for closure of OHR with reforms necessary for EU and NATO integration. Russia took issue with the negative tone of Inzko's report and called for a date to be set for OHR closure as soon as the remaining conditions had been met. All other Council members offered support for the High Representative and for the EU-U.S. initiative to assist political leaders to reach agreement on a package of reforms that would be necessary for EU and NATO integration. Some Council members, including Burkina Faso, China, Libya, the U.K. and Uganda, specifically cited actions of Republika Srpska that were blocking progress. END SUMMARY.

High Representative Inzko Strongly Criticizes Republika Srpska

12. Bosnia and Herzegovina High (BiH) Representative Valentin Inzko told the Security Council during a November 23 briefing and debate, that "a series of obstacles, delays and failures" had contributed to very limited progress toward BiH's Euro-Atlantic integration and closure of the Office of the High Representative (OHR). Inzko said the lack of progress was the consequence of political differences and obstructionism, mainly on the part of Republika Srpska (RS) authorities, and that "twin confusions" had contributed to the unresolved political issues. Firstly, he said Republika Srpska's leadership had "failed to grasp" that state and entities authorities had separate and clearly defined mandates-- RS had engaged in a "consistent pattern" of criticizing state-level institutions, while simultaneously undermining those same institutions. Secondly, Inzko said, the political establishment in both entities had ignored an "existential crisis" in BiH that was caused by the world recession and lack of fiscal coordination. Inzko said he "could not turn a blind eye" to the problems in BiH, but hoped that his next report in six months would be able to present a more upbeat message.

13. Inzko said that due to lack of progress on the five objectives and two conditions set by the Peace Implementation Council (PIC), a date for closure of OHR had not been set by the PIC at its November 18-19 Steering Board meeting. Referring to his concurrent position as EU Special Representative (EUSR), Inzko said that circumstances in BiH were "fundamentally different" now than when the decision was made to have one person double-hatted for both roles, and suggested that the "time may have come" to consider having the EUSR and High Representative positions be held by two

different persons. He said he had scaled back the use of his "Bonn Powers" executive authority, during his tenure in order to give more space to political actors in BiH. He pointed out that the Bonn powers had been used 900 times during the previous 14 years, that 180 politicians had been removed from their positions, including three state presidents, and that "Lord Ashdown once invoked them 60 times in one day." Inzko said that the Bonn Powers were a tool of the past, and that he did not like to use them, but, "when it comes down to it and there is no choice, I have to use them."

BiH Takes Issue With Inzko Assessment, Serbia and Croatia Support BiH and OHR

14. Responding to Inzko's report and briefing, Chairman of the Council of Ministers of Bosnia and Herzegovina Nikola Spiric suggested that Inzko was "seeking the culprit, but not the solution." He defended Republika Srpska as "generally recognized to be more functional and efficient than the Federation." On constitutional reform, Spiric thanked the EU and U.S. for their efforts to assist and agreed on the necessity to reform the constitution, but he cautioned against allowing the 5 2 agenda for closure of OHR to turn into a "5 2 1 agenda." Constitutional reform needed to be the result of "internal dialogue and compromise, based on the Dayton Accords," he said, and should not be imposed from elsewhere. The process, he said should be "evolutionary", rather than "revolutionary", adding that whenever the principle of "all or nothing" had been applied, BiH had ended up with "nothing."

15. Croatian Permrep Vilovic expressed concern about challenges to the authority of the High Representative, as well as the "nationalist, anti-Dayton, rhetoric challenging

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the constitutional order of BiH," which had been cited by the High Representative in his report. Vilovic said Croats were the "smallest and most vulnerable" population of all of BiH's constituent peoples, and any reform effort needed to ensure that all three constituent peoples would feel that BiH was "their" country. Vilovic pledged Croatian support for the Butmir process, and reiterated Croatia's support for the integration of all the countries of Southeastern Europe into Euro-Atlantic structures. He urged that conditions be put in place to facilitate the return of the 120,000 refugees and IDPs from the 1995 wars.

16. Serbia, participating in the debate as a guarantor of the Peace Agreement, said it would support any constitutional reforms agreed upon by both BiH entities and the three constituent peoples. Serbia also expressed its support for the PIC and OHR, and said it would support any consensus reached by the PIC on the modalities for the closure of OHR. Serbia also reiterated its support for Bosnia's Euro-Atlantic integration.

Russia Criticizes "Tone" of Inzko's Report

17. Russian Permrep Churkin said he could not agree with the "fundamental tone" of High Representative Inzko's report. The report, he said, gave the impression that there was a growing potential for conflict in BiH, but quarterly reporting from the Security Council-authorized EUFOR mission had consistently portrayed the situation in BiH as stable. Churkin said BiH's internal political debate had taken place within the bounds of the constitutional framework, and was therefore not inappropriate. Inzko's use of the Bonn Powers undermined the inter-ethnic dialogue, according to Churkin, and therefore OHR powers should reflect the consensus of the PIC Steering Board. He hoped that the two outstanding conditions for OHR closure-- resolution of the control of state property and defense property-- could be resolved by the end of the year, which should lead to a specific date for

OHR closure. He agreed that EU integration for BiH was important, but said that linking OHR to constitutional reform would lead to an impasse in the political process.

U.S., EU Members Support OHR

¶18. European members of the Security Council offered strong support for the Office of the High Representative, and offered generally muted criticism of Republika Srpska's actions. French Deputy Permrep de Riviere lamented the lack of progress on fulfilling the 5 2 agenda, and urged the political leaders to reach a compromise on outstanding issues. Turkish Permrep Apakan said he "could not help, but agree" with Inzko's analysis of the situation in BiH, and urged political leaders to look beyond their narrow ethnic interests. Apakan supported the High Representative in making decisions "as he sees fit." He offered his support for the Butmir process, and said the success of constitutional reform would lead to a better political climate in which to pursue other reforms. Austrian Permrep Mayr-Harting said he shared Inzko's view of the prevailing political climate, but emphasized OHR's closure would be "crucial" for BiH's progress toward European integration. Mayr-Harting said Austria would maintain its force levels in the 2000-person strong EUFOR mission. U.K. Permrep Grant criticized the nationalist rhetoric of Republika Srpska, and offered the U.K.'s full support to the High Representative. Grant also urged BiH leaders to seize the opportunity of the Butmir process, since another opportunity would be unlikely to occur for some time.

¶19. Swedish Permrep Liden, speaking on behalf of the EU, said the U.S.-EU sponsored Butmir dialogue aimed to address two main elements needed by BiH to advance in its Euro-Atlantic integration: firstly, the proposals offered by the U.S. and EU at Butmir sought to achieve progress necessary for fulfillment of the 5 2 agenda for OHR closure, and secondly they would alter the constitution in a way that would allow BiH to meet the obligations of the EU integration process.

¶10. Ambassador DiCarlo offered strong U.S. support for BiH efforts to complete reforms necessary for the closure of OHR and for further integration into the EU and NATO. DiCarlo said the Butmir effort was being conducted in the spirit of helping BiH achieve its own aspirations. She expressed concern in the report that BiH had made very limited progress toward completing the 5 2 agenda, for the dangerous increase in nationalist political rhetoric, for inaction on extending the mandates of international judges and prosecutors and lack of support for the High Representative.

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Republika Srpska Singled Out

¶11. All other Council members offered their support for continuing the Office of the High Representative and for the EU-U.S. effort to assist BiH leaders achieve the constitutional reforms required for EU and NATO integration. Many of the Security Council members chose not to single out any one entity or party as being responsible for BiH's lack of progress, but Burkina Faso, China, Libya, the United Kingdom and Uganda all specifically cited the High Representative's assessment that Republika Srpska was largely responsible for the lack of progress. Burkina Faso said that Republika Srpska's "constant challenges" to the sovereignty, territorial integrity and constitutional order of BiH, presented a "serious obstacle" to reform and to efforts toward peace in the spirit of Dayton. China noted that RS "often challenges" the authority of the state. Libya said that "one party's challenge to and defiance of state authority" and "attempts to reduce the state's powers" constituted a "failure to meet its obligations."
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